

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**LORRAINE GARCIA,**

**Plaintiff,**

**vs.**

**Civ. No. 18-00024 SMV**

**NANCY A. BERRYHILL,  
Acting Commissioner of Social  
Security,**

**Defendant.**

**ORDER GRANTING STIPULATION TO AWARD OF ATTORNEY FEES  
UNDER THE EQUAL ACCESS TO JUSTICE ACT**

The Court, having reviewed the parties' Stipulation of Award of Attorney Fees Under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412 (Doc. 22), HEREBY ORDERS that attorney fees be, and hereby are, awarded under the EAJA, payable to Plaintiff but mailed to her attorney in the amount of \$6,737.52. *See Astrue v. Ratliff*, 560 U.S. 586 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

IT IS FURTHER ORDERED THAT, if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).



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**HONORABLE STEPHAN M. VIDMAR  
UNITED STATES MAGISTRATE JUDGE**

SUBMITTED AND APPROVED BY:

*Filed Electronically 10/3/18*

Michael Armstrong

Attorney for Plaintiff

*Electronically Approved 10/3/18*

LAURA H. HOLLAND

Special Assistant United States Attorney